

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ALEJANDRO DANIEL)
MARQUEZ-SILVA,)
)
Plaintiff,)
)
v.) Case No. CIV-21-00321-PRW
)
JOHN B. FOX, GREATE PLAINS)
CORRECTIONAL FACILITY,)
)
Defendant.)

ORDER

On August 17, 2021, U.S. Magistrate Judge Suzanne Mitchell issued a Report and Recommendation (Dkt. 13) in this action. Plaintiff, appearing *pro se*, initiated this action by filing a petition for habeas corpus relief under 28 U.S.C. § 2241 challenging the calculation of his sentence (Dkt. 1). Defendant moved to dismiss, arguing Plaintiff has not exhausted his administrative remedies and that he is not entitled to the relief requested (Dkt. 11). In her Report and Recommendation (Dkt. 13), the Magistrate Judge recommends that the Court grant Defendant's motion and dismiss Plaintiff's § 2241 habeas petition because Plaintiff is not entitled to additional jail credit.

Plaintiff was advised that he had a right to object to the Report and Recommendation by September 7, 2021, and that failure to make a timely objection would waive any right to appellate review of the factual and legal issues addressed in the Report and Recommendation (Dkt. 13). No objections have been filed as of this date. Having failed to

object, Petitioner has accordingly waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation (Dkt. 13).

Upon review of the Report and Recommendation (Dkt. 13), the Court:

- (1) **ADOPTS** in full the Report and Recommendation (Dkt. 13) issued by the Magistrate Judge on August 17, 2021; and
- (2) **DISMISSES WITHOUT PREJUDICE** Plaintiff's § 2241 habeas petition (Dkt. 1).

IT IS SO ORDERED this 4th day of October 2021.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE